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OCT 17 2008

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10/22/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ANNETTE SMITH,

Plaintiff : 08 Civ. 7888 (WHP)(RLE)

ECF CASE

against

NATIONAL BASKETBALL ASSOCIATION,
INC., and BERNARD TOLBERT

STIPULATION AND
PROPOSED ORDER

Defendants.

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IT IS HEREBY STIPULATED AND AGREED, by and between counsel to the parties in the above-captioned action, that the time within which Defendants National Basketball Association, Inc., and Bernard Tolbert (collectively, "Defendants") must answer, move against, or otherwise respond to the Complaint, is extended to and including November 10, 2008.

IT IS FURTHER STIPULATED AND AGREED that Defendants waive the affirmative defense of lack of personal jurisdiction with respect to the Complaint.

IT IS AGREED by the parties that a signed facsimile of this Stipulation shall be deemed the same as an original.

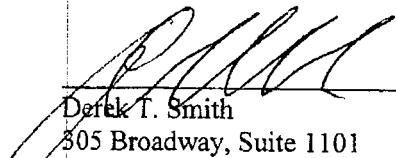
Dated: New York, New York
October 6, 2008

SO ORDERED:

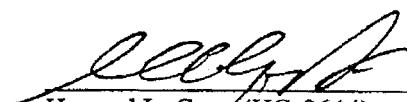
WILLIAM H. PAULEY III U.S.D.

10/22/08

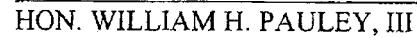
AKIN & SMITH LLC


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SO ORDERED this _____ day of _____, 2008


HON. WILLIAM H. PAULEY, III